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Municipality of Anchorage  
Anchorage Police Department  
Walt Monegan  
Officers Voss and Henikman

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF ALASKA**

CAROLYN MITCHELL,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
ANCHORAGE POLICE DEPARTMENT and	)	
the MUNICIPALITY OF ANCHORAGE, a	)	
municipal corporation, WALTER MONEGAN,	)	
Officer HENIKMAN, and Officer J. VOSS,	)	
	)	
Defendants.	)	Case No. 3:05-cv-00273-JWS
<hr style="width: 50%; margin-left: 0;"/>		)

**REPLY TO OPPOSITION TO MOTION FOR HEARING<sup>1</sup>**

The parties on March 28<sup>2</sup> discussed their mutual surprise at the trial being set without the Status Conference they had requested. Defendants are now surprised at Plaintiff reversing her previously stated non-opposition to such a conference.

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<sup>1</sup> The Motion was originally styled "Non-Opposed Request for Status Conference," Dkt. 92.

<sup>2</sup> Per billing record of the Municipal Attorney's Office.

Since soon after the parties received the order setting trial, Plaintiff has known of defense counsel's actual, settled plans to be overseas at the time. These were not just "some potential conflicts," as Plaintiff now puts it. Nor has Plaintiff shown how holding the Status Conference which the parties mutually sought could harm her interests. Both parties requested, and expected, a status conference<sup>3</sup> before trial was set. Particularly as Plaintiff has sued four defendants, Counsel must coordinate with their separate calendars, as well as her own, to assure they can attend and confront Plaintiff's allegations.

Both Defendants and Plaintiff worked very hard to meet the important pre-trial deadlines on April 28. It is to the parties' credit that they did so despite knowing the calendar conflict would most likely require the trial date be changed. Doing that work did not "prejudice" Plaintiff or waste her time. Rather, both she and Defendants are in the fortunate position of having those pre-trial efforts out of the way. None of it will be wasted because this case goes to trial 30, 60 or more days later than currently scheduled.

The Court may have inadvertently overlooked its prior order and the parties' request. The best resolution for the parties and Court is to hold the status conference and set a new date which considers the calendars of all concerned.

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<sup>3</sup> The parties' expectations were based on the Court's order at Dkt. 87 (final paragraph), and Plaintiff's request which she filed, Dkt. 88, p.2, pursuant to that Order. Plaintiff's request followed her discussion and agreement with Defendant that a status conference was needed.

Respectfully submitted this 7<sup>th</sup> day of May, 2008.

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The undersigned hereby certifies that on 5/07/08 a true and correct copy of the *Reply to Opposition to Motion for Hearing* was served on:

Isaac D. Zorea  
Moshe C. Zorea

by first class regular mail, if noted above, or by electronic means through the ECF system as indicated on the Notice of Electronic Filing.

s/ Cathi Russell  
Cathi Russell, Legal Secretary  
Municipal Attorney's Office